

1 DAVID L. ANDERSON (CABN 149604)
United States Attorney

2 SARA WINSLOW (DCBN 457643)
3 Chief, Civil Division
Assistant United States Attorney

4 450 Golden Gate Avenue, Box 36055
5 San Francisco, California 94102-3495
Telephone: (415) 436-6925
6 FAX: (415) 436-6748
Sara.winslow@usdoj.gov

7 Attorneys for Respondents

8 UNITED STATES DISTRICT COURT
9
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

12 FREDDY JAVIER BERMUDEZ,

13 Petitioner,

14 v.

15 WILLIAM BARR, Attorney General of the
16 United States, et al.,

17 Respondents.

C 20-00924 SVK

**STIPULATION REMANDING CASE TO
UNITED STATES CITIZENSHIP AND
IMMIGRATION SERVICES, PURSUANT TO 8
U.S.C. § 1447(b) and ~~[PROPOSED]~~ ORDER**

18 Subject to the Court's approval, IT IS HEREBY STIPULATED that:

19 1. Petitioner commenced an action pursuant to 8 U.S.C. § 1447(b), requesting this Court to
20 adjudicate his application for naturalization that was pending before the United States Citizenship and
21 Immigration Services ("USCIS" or "the agency") for more than 120 days after Petitioner had been
22 interviewed.

23 2. USCIS is now prepared to resolve this matter by adjudicating Petitioner's application for
24 naturalization. However, USCIS cannot adjudicate the application unless and until the Court remands
25 the matter to the agency. *See* 8 U.S.C. § 1447(b) (explaining that the district court "may remand [a
26 Section 1447(b) case], with appropriate instructions, to the [USCIS]"); *United States v. Hovsepian*, 359
27 F.3d 1144, 1160 (9th Cir. 2004) (accord).

1 3. Except for limited emergency situations, USCIS offices are currently closed to the public due to
2 the current public health crisis related to COVID-19. Therefore, USCIS is not able to schedule the
3 Petitioner for an interview at this time. USCIS will schedule an interview with the Petitioner within 30
4 days after USCIS resumes normal operations and is open to the public for interviewing.

5 4. The Court shall remand this case to USCIS, 1450 Coleman Ave, Santa Clara, CA 95050,
6 directing the agency to take any and all necessary actions, and to issue a decision on Petitioner's
7 application for naturalization within 45 days after the interview contingent upon the Petitioner
8 submitting all evidence requested by USCIS.

9 5. If USCIS does not issue a decision on Petitioner's application for naturalization within the time
10 frame set forth in paragraph 4 above, Respondents will not oppose any request by Petitioner to this
11 Court to vacate the remand order and thereby re-assert jurisdiction over Petitioner's action pursuant to
12 8 U.S.C. § 1447(b).

13 6. Each party will bear their own costs and attorney fees.

14 Date: April 3, 2020

Respectfully submitted,

15 DAVID L. ANDERSON
16 United States Attorney

17 /s/
18 SARA WINSLOW
19 Assistant United States Attorney
Attorneys for Respondents

20 Dated: April 3, 2020

21 /s/
22 FRANK P. SPROULS
23 Attorney for Petitioner

24 ~~PROPOSED~~ ORDER

25 Pursuant to stipulation, IT IS SO ORDERED.

26 Date: April 10, 2020

27 
28 SUSAN VAN KEULEN
United States Magistrate Judge